

109TH CONGRESS
2D SESSION

H. R. 3248

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2006

Received

AN ACT

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lifespan Respite Care
3 Act of 2006”.

4 **SEC. 2. LIFESPAN RESPITE CARE.**

5 The Public Health Service Act (42 U.S.C. 201 et
6 seq.) is amended by adding at the end the following:

7 **“TITLE XXIX—LIFESPAN**
8 **RESPITE CARE**

9 **“SEC. 2901. DEFINITIONS.**

10 “In this title:

11 “(1) ADULT WITH A SPECIAL NEED.—The term
12 ‘adult with a special need’ means a person 18 years
13 of age or older who requires care or supervision to—

14 “(A) meet the person’s basic needs;

15 “(B) prevent physical self-injury or injury
16 to others; or

17 “(C) avoid placement in an institutional
18 facility.

19 “(2) AGING AND DISABILITY RESOURCE CEN-
20 TER.—The term ‘aging and disability resource cen-
21 ter’ means an entity administering a program estab-
22 lished by the State, as part of the State’s system of
23 long-term care, to provide a coordinated system for
24 providing—

1 “(A) comprehensive information on avail-
2 able public and private long-term care pro-
3 grams, options, and resources;

4 “(B) personal counseling to assist individ-
5 uals in assessing their existing or anticipated
6 long-term care needs, and developing and imple-
7 menting a plan for long-term care designed to
8 meet their specific needs and circumstances;
9 and

10 “(C) consumer access to the range of pub-
11 licly supported long-term care programs for
12 which consumers may be eligible, by serving as
13 a convenient point of entry for such programs.

14 “(3) CHILD WITH A SPECIAL NEED.—The term
15 ‘child with a special need’ means an individual less
16 than 18 years of age who requires care or super-
17 vision beyond that required of children generally
18 to—

19 “(A) meet the child’s basic needs; or

20 “(B) prevent physical injury, self-injury, or
21 injury to others.

22 “(4) ELIGIBLE STATE AGENCY.—The term ‘eli-
23 gible State agency’ means a State agency that—

24 “(A) administers the State’s program
25 under the Older Americans Act of 1965, admin-

1 isters the State’s program under title XIX of
2 the Social Security Act, or is designated by the
3 Governor of such State to administer the
4 State’s programs under this title;

5 “(B) is an aging and disability resource
6 center;

7 “(C) works in collaboration with a public
8 or private nonprofit statewide respite care coali-
9 tion or organization; and

10 “(D) demonstrates—

11 “(i) an ability to work with other
12 State and community-based agencies;

13 “(ii) an understanding of respite care
14 and family caregiver issues across all age
15 groups, disabilities, and chronic conditions;
16 and

17 “(iii) the capacity to ensure meaning-
18 ful involvement of family members, family
19 caregivers, and care recipients.

20 “(5) FAMILY CAREGIVER.—The term ‘family
21 caregiver’ means an unpaid family member, a foster
22 parent, or another unpaid adult, who provides in-
23 home monitoring, management, supervision, or
24 treatment of a child or adult with a special need.

1 “(6) LIFESPAN RESPITE CARE.—The term ‘life-
2 span respite care’ means a coordinated system of ac-
3 cessible, community-based respite care services for
4 family caregivers of children or adults with special
5 needs.

6 “(7) RESPITE CARE.—The term ‘respite care’
7 means planned or emergency care provided to a
8 child or adult with a special need in order to provide
9 temporary relief to the family caregiver of that child
10 or adult.

11 “(8) STATE.—The term ‘State’ means any of
12 the several States, the District of Columbia, the Vir-
13 gin Islands of the United States, the Commonwealth
14 of Puerto Rico, Guam, American Samoa, and the
15 Commonwealth of the Northern Mariana Islands.

16 **“SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOP-**
17 **ERATIVE AGREEMENTS.**

18 “(a) PURPOSES.—The purposes of this section are—

19 “(1) to expand and enhance respite care serv-
20 ices to family caregivers;

21 “(2) to improve the statewide dissemination and
22 coordination of respite care; and

23 “(3) to provide, supplement, or improve access
24 and quality of respite care services to family care-
25 givers, thereby reducing family caregiver strain.

1 “(b) AUTHORIZATION.—Subject to subsection (e), the
2 Secretary is authorized to award grants or cooperative
3 agreements for the purposes described in subsection (a)
4 to eligible State agencies for which an application is sub-
5 mitted pursuant to subsection (d).

6 “(c) FEDERAL LIFESPAN APPROACH.—In carrying
7 out this section, the Secretary shall work in cooperation
8 with the National Family Caregiver Support Program of
9 the Administration on Aging and other respite care pro-
10 grams within the Department of Health and Human Serv-
11 ices to ensure coordination of respite care services for fam-
12 ily caregivers of children and adults with special needs.

13 “(d) APPLICATION.—

14 “(1) SUBMISSION.—Each Governor desiring the
15 eligible State agency of his or her State to receive
16 a grant or cooperative agreement under this section
17 shall submit an application on behalf of such agency
18 to the Secretary at such time, in such manner, and
19 containing such information as the Secretary shall
20 require.

21 “(2) CONTENTS.—Each application submitted
22 under this section shall include—

23 “(A) a description of the eligible State
24 agency’s—

1 “(i) ability to work with other State
2 and community-based agencies;

3 “(ii) understanding of respite care
4 and family caregiver issues across all age
5 groups, disabilities, and chronic conditions;
6 and

7 “(iii) capacity to ensure meaningful
8 involvement of family members, family
9 caregivers, and care recipients;

10 “(B) with respect to the population of fam-
11 ily caregivers to whom respite care information
12 or services will be provided or for whom respite
13 care workers and volunteers will be recruited
14 and trained, a description of—

15 “(i) the population of family care-
16 givers;

17 “(ii) the extent and nature of the res-
18 pite care needs of that population;

19 “(iii) existing respite care services for
20 that population, including numbers of fam-
21 ily caregivers being served and extent of
22 unmet need;

23 “(iv) existing methods or systems to
24 coordinate respite care information and

1 services to the population at the State and
2 local level and extent of unmet need;

3 “(v) how respite care information dis-
4 semination and coordination, respite care
5 services, respite care worker and volunteer
6 recruitment and training programs, or
7 training programs for family caregivers
8 that assist such family caregivers in mak-
9 ing informed decisions about respite care
10 services will be provided using grant or co-
11 operative agreement funds;

12 “(vi) a plan for administration, col-
13 laboration, and coordination of the pro-
14 posed respite care activities with other re-
15 lated services or programs offered by pub-
16 lic or private, nonprofit entities, including
17 area agencies on aging;

18 “(vii) how the population, including
19 family caregivers, care recipients, and rel-
20 evant public or private agencies, will par-
21 ticipate in the planning and implementa-
22 tion of the proposed respite care activities;

23 “(viii) how the proposed respite care
24 activities will make use, to the maximum
25 extent feasible, of other Federal, State,

1 and local funds, programs, contributions,
2 other forms of reimbursements, personnel,
3 and facilities;

4 “(ix) respite care services available to
5 family caregivers in the eligible State agen-
6 cy’s State or locality, including unmet
7 needs and how the eligible State agency’s
8 plan for use of funds will improve the co-
9 ordination and distribution of respite care
10 services for family caregivers of children
11 and adults with special needs;

12 “(x) the criteria used to identify fam-
13 ily caregivers eligible for respite care serv-
14 ices;

15 “(xi) how the quality and safety of
16 any respite care services provided will be
17 monitored, including methods to ensure
18 that respite care workers and volunteers
19 are appropriately screened and possess the
20 necessary skills to care for the needs of the
21 care recipient in the absence of the family
22 caregiver; and

23 “(xii) the results expected from pro-
24 posed respite care activities and the proce-

1 dures to be used for evaluating those re-
2 sults;

3 “(C) assurances that, where appropriate,
4 the eligible State agency will have a system for
5 maintaining the confidentiality of care recipient
6 and family caregiver records; and

7 “(D) a memorandum of agreement regard-
8 ing the joint responsibility for the eligible State
9 agency’s lifespan respite program between—

10 “(i) the eligible State agency; and

11 “(ii) a public or private nonprofit
12 statewide respite coalition or organization.

13 “(e) PRIORITY; CONSIDERATIONS.—When awarding
14 grants or cooperative agreements under this section, the
15 Secretary shall—

16 “(1) give priority to eligible State agencies that
17 the Secretary determines show the greatest likeli-
18 hood of implementing or enhancing lifespan respite
19 care statewide; and

20 “(2) give consideration to eligible State agencies
21 that are building or enhancing the capacity of their
22 long-term care systems to respond to the comprehen-
23 sive needs, including respite care needs, of their resi-
24 dents.

1 “(f) USE OF GRANT OR COOPERATIVE AGREEMENT
2 FUNDS.—

3 “(1) IN GENERAL.—

4 “(A) REQUIRED USES OF FUNDS.—Each
5 eligible State agency awarded a grant or coop-
6 erative agreement under this section shall use
7 all or part of the funds—

8 “(i) to develop or enhance lifespan
9 respite care at the State and local levels;

10 “(ii) to provide respite care services
11 for family caregivers caring for children or
12 adults;

13 “(iii) to train and recruit respite care
14 workers and volunteers;

15 “(iv) to provide information to care-
16 givers about available respite and support
17 services; and

18 “(v) to assist caregivers in gaining ac-
19 cess to such services.

20 “(B) OPTIONAL USES OF FUNDS.—Each
21 eligible State agency awarded a grant or coop-
22 erative agreement under this section may use
23 part of the funds for—

24 “(i) training programs for family
25 caregivers to assist such family caregivers

1 in making informed decisions about respite
2 care services;

3 “(ii) other services essential to the
4 provision of respite care as the Secretary
5 may specify; or

6 “(iii) training and education for new
7 caregivers.

8 “(2) SUBCONTRACTS.—Each eligible State
9 agency awarded a grant or cooperative agreement
10 under this section may carry out the activities de-
11 scribed in paragraph (1) directly or by grant to, or
12 contract with, public or private entities.

13 “(3) MATCHING FUNDS.—

14 “(A) IN GENERAL.—With respect to the
15 costs of the activities to be carried out under
16 paragraph (1), a condition for the receipt of a
17 grant or cooperative agreement under this sec-
18 tion is that the eligible State agency agrees to
19 make available (directly or through donations
20 from public or private entities) non-Federal
21 contributions toward such costs in an amount
22 that is not less than 25 percent of such costs.

23 “(B) DETERMINATION OF AMOUNT CON-
24 TRIBUTED.—Non-Federal contributions re-
25 quired by subparagraph (A) may be in cash or

1 in kind, fairly evaluated, including plant, equip-
2 ment, or services. Amounts provided by the
3 Federal Government, or services assisted or
4 subsidized to any significant extent by the Fed-
5 eral Government, may not be included in deter-
6 mining the amount of such non-Federal con-
7 tributions.

8 “(g) TERM OF GRANTS OR COOPERATIVE AGREE-
9 MENTS.—

10 “(1) IN GENERAL.—The Secretary shall award
11 grants or cooperative agreements under this section
12 for terms that do not exceed 5 years.

13 “(2) RENEWAL.—The Secretary may renew a
14 grant or cooperative agreement under this section at
15 the end of the term of the grant or cooperative
16 agreement determined under paragraph (1).

17 “(h) MAINTENANCE OF EFFORT.—Funds made
18 available under this section shall be used to supplement
19 and not supplant other Federal, State, and local funds
20 available for respite care services.

21 **“SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CEN-**
22 **TER.**

23 “(a) ESTABLISHMENT.—The Secretary may award a
24 grant or cooperative agreement to a public or private non-
25 profit entity to establish a National Resource Center on

1 Lifespan Respite Care (referred to in this section as the
2 ‘center’).

3 “(b) PURPOSES OF THE CENTER.—The center
4 shall—

5 “(1) maintain a national database on lifespan
6 respite care;

7 “(2) provide training and technical assistance
8 to State, community, and nonprofit respite care pro-
9 grams; and

10 “(3) provide information, referral, and edu-
11 cational programs to the public on lifespan respite
12 care.

13 **“SEC. 2904. REPORT.**

14 “Not later than January 1, 2009, the Secretary shall
15 report to the Congress on the activities undertaken under
16 this title. Such report shall evaluate—

17 “(1) the number of States that have lifespan
18 respite care programs;

19 “(2) the demographics of the caregivers receiv-
20 ing respite care services through grants or coopera-
21 tive agreements under this title; and

22 “(3) the effectiveness of entities receiving
23 grants or cooperative agreements under this title.

1 **“SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title—

4 “(1) \$30,000,000 for fiscal year 2007;

5 “(2) \$40,000,000 for fiscal year 2008;

6 “(3) \$53,330,000 for fiscal year 2009;

7 “(4) \$71,110,000 for fiscal year 2010; and

8 “(5) \$94,810,000 for fiscal year 2011.”.

9 **SEC. 3. GAO REPORT ON LIFESPAN RESPITE CARE PRO-**
10 **GRAMS.**

11 Not later than January 1, 2011, the Comptroller
12 General of the United States shall conduct an evaluation
13 and submit a report to the Congress on the effectiveness
14 of lifespan respite programs, including an analysis of cost
15 benefits and improved efficiency in service delivery.

 Passed the House of Representatives December 6,
2006.

Attest:

KAREN L. HAAS,

Clerk.